

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**ELDORADO TRAILER LEASING, LLC,  
Plaintiff,**

**v.**

**Case No. 14-C-1199**

**REEFERTEK USA CORP.,  
Defendant.**

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**ORDER**

The plaintiff, Eldorado Trailer Leasing, LLC, has filed a motion for a default judgment against the defendant, ReeferTek USA Corp. The clerk of court entered the defendant's default on April 14, 2015, after the plaintiff filed a motion asking the clerk to do so. The plaintiff's motion for a default judgment is addressed to the clerk under Federal Rule of Civil Procedure 55(b)(1). However, I reviewed the order and noticed that the amount requested in the default judgment, \$312,550, is inflated. The amended complaint alleges that the plaintiff's actual pecuniary loss is \$44,650, which represents the amount of the plaintiff's money allegedly converted by the defendant. The complaint alleges that the plaintiff is entitled to recover that amount, along with exemplary damages of three times that amount, or \$133,950, under Wisconsin's civil-theft statute, Wis. Stat. § 895.446(3)(c). This is a plausible reading of the statute, and if the plaintiff were requesting a default judgment in the amount of \$178,600 (\$44,650 + \$133,950), I would have allowed the clerk to enter it.

However, the plaintiff contends that in addition to this amount it is entitled to double damages (\$89,300) under Wis. Stat. § 100.18, and also to additional single damages

(\$44,650) for reasons that I have been unable to identify. No authority of which I am aware would allow the plaintiff to recover these amounts. The plaintiff's recovery under the civil-theft statute is more than sufficient to make it whole. Additional damages for the same wrong would amount to a double recovery. Accordingly, a default judgment in the amount of \$178,600 is the maximum allowable judgment, and I will direct the clerk to enter judgment in that amount.

For the reasons stated, **IT IS ORDERED** that the plaintiff's motion for a default judgment is **GRANTED IN PART**. The clerk of court shall enter judgment in the amount of \$178,600.

Dated at Milwaukee, Wisconsin, this 29th day of May, 2015.

s/ Lynn Adelman

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LYNN ADELMAN  
District Judge